

02
cost
each X, when present, is independently a hydrogen, fluoro, chloro, bromo, iodo, -OR, -N(R)₂, -SR, -S(O)R, -S(O)₂R, cyano, nitro, -C(O)R, -OC(O)R, -C(O)OR, -N(R)-C(O)R or -C(O)NR₂; and

each m is independently 0, 1, 2, 2, 4, 5, 6, or 7.

REMARKS

1. Claims 77-86 are rejected under 35 U.S.C. 112 as allegedly being indefinite.

It is believed this rejection is inapplicable to the presently amended claims. The amendment of the structures is for typographical reasons and is not related to patentability.

Support for the addition of the term "when present" in claim 77 is found page 76, line 1

2. Claims 77-86 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,001,884. Claims 77-86 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-103 of U.S. Patent No. 6,011,068.

The Applicants will submit a terminal disclaimer of the '884 Patent and the '068 Patent if the claims are otherwise allowable in their present form.

Conclusion

Reconsideration and withdrawal of the rejection is respectfully requested. In view of the foregoing, it is believed the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date: Nov 20, 2002

By Richard S. Pietro

FOLEY & LARDNER

Richard San Pietro
Attorney for Applicant
Registration No. 45,071



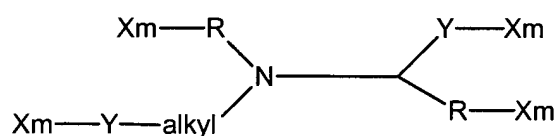
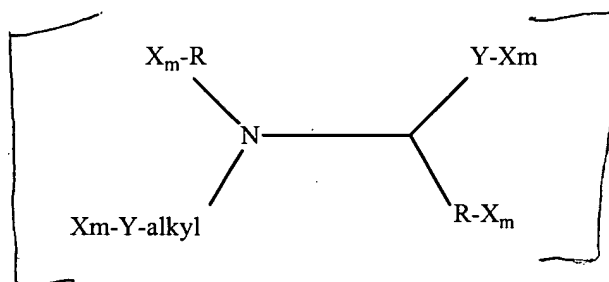
33588

PATENT TRADEMARK OFFICE

Telephone: (858) 847-6700
Facsimile: (858) 792-6773

MARKED UP COPY OF CLAIMS

77. (Twice Amended) A compound of the formula:



or a pharmaceutically acceptable salt or complex thereof, wherein alkyl is a C_1 - C_6 hydrocarbon having sp^2 and/or sp^3 hybridization;

each Y is independently an aromatic or cycloaliphatic ring or ring system;

each R is independently a hydrogen, $-CF_3$, $-CF_2H$, $-CFH_2$, $-CH_2CF_3$, phenyl or C_1 - C_{10} linear, branched, cyclic, fused cyclic and/or bicyclic alkyl having sp , sp^2 and/or sp^3 hybridization;

each X, when present, is independently a hydrogen, fluoro, chloro, bromo, iodo, $-OR$, $-N(R)_2$, $-SR$, $-S(O)R$, $-S(O)_2R$, cyano, nitro, $-C(O)R$, $-OC(O)R$, $-C(O)OR$, $-N(R)-C(O)R$ or $-C(O)NR_2$; and

each m is independently 0, 1, 2, 2, 4, 5, 6, or 7.